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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,232	12/07/2000	Parvathi Somashekar	5181-46501	7248

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EXAMINER

MAURO JR, THOMAS J

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

09/733,232

Applicant(s)

SOMASHEKAR ET AL.

Examiner

Thomas J. Mauro Jr.

Art Unit

2143

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-54.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

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2/7/05


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Continuation of 11. does NOT place the application in condition for allowance because: the amendment submitted fails to overcome the rejections set forth in the previous (Final) office action.

(A) Applicant contends that Young fails to teach that the pluggable components, i.e. configuration files, are executable, whereas claim 1 calls for this limitation.

In response to argument (A), Examiner contends that configuration files must be executed, i.e. carried out, in order to configure the plug-ins for execution. The configuration files which are first configured by the user and then executed within each stage to provide configuration and layout for the plug-ins and various other components [Young -- Col. 12 lines 52-63 and Col. 13 lines 23-42]. Configuration files call for the configuration of all aspects of the stages, including, configuring the layout of the stages, layout of the plug-ins and finally each instance of the plug-ins themselves [Young -- Col. 10 lines 15-22, lines 35-37 and lines 43-45]. Therefore, in order for the plug-ins to be configured based upon the user's selection, the configuration files must be executed by the execution management framework in order to properly configure the plug-ins for execution. During patent examination and prosecution, claims must be given their broadest reasonable interpretation. *In re Van Geuns*, 988 F.2d 1181, 1184, 26 USPQ2d 1057, 1059 (Fed. Cir. 1993); *In re Prater*, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969). Giving the instant claims their broadest reasonable interpretation, "executing a pluggable component" is broad enough to read on the configuring of plug-ins by executing configuration files, i.e. pluggable components of Young.

(B) Applicant contends that Young fails to teach providing services to users of the one or more other devices, whereas claim 1 calls for this limitation.

In response to argument (B), Examiner points out that Young explicitly teaches that the metered data processing system provides services to users of other devices, specifically, to generate useful usage information regarding communication services usage to data consumers, i.e. NSP's or ISP's. See Young Col. 4 lines 53-57. Therefore, the Examiner demurs to this assertion as Young clearly teaches this limitation.

(C) Applicant contends that Young fails to teach configuring preference values for one or more pluggable components, whereas, claim 1 calls for this limitation.

In response to argument (C), Examiner directs the applicant's attention to the final rejection which clearly points out that the pluggable components are the configuration files which are "plugged into" each pipeline stage to provide layout of the stages, plug-ins and configuration for each instance of each plug-in [Young -- Col. 10 lines 15-22, lines 35-37 and lines 43-45]. In addition, each pluggable component, i.e. configuration file, is comprised of preferences associated with specific parameters within the configuration file necessary to provide configuration and layout to the stages and plug-ins. The user configures the preference values of the configuration files, i.e. pluggable components. Therefore, the Examiner accordingly demurs to this assertion as each configuration file, i.e. pluggable component, contains preference values.

(D) Applicant contends that Young fails to teach that each of the pluggable components comprises a preference file, whereas claim 15 calls for this limitation.

In response to argument (D), the Examiner asserts that the pluggable components include or are made up of the preference files containing the preference values configured by the users. As stated in the final rejection, (Young -- Figure 5, Col. 10 lines 4-14, Col. 12 lines 59-63 and Col. 14 lines 46-49) configuration file, i.e. pluggable component/preference file, holds information and parameters/values which direct the operation of the plug-ins and how the plug-ins behave. Therefore, the pluggable components are configuration/preference files and therefore teach the broad language of the claim limitation.

(E) Applicant contends Young-Semenzato fails to teach wherein each of the plurality of pluggable components are copies of a first pluggable component whereas claim 10 calls for this limitation.

In response to argument (E), Semenzato discloses (See Col. 3 lines 46-54 and Col. 6 lines 18-42) that a duplicate of the plug-in controller is made which is an exact copy of the original plug-in controller which executes separately from the first controller. This copying of the plug-in controller includes copying the platform process but goes further to create a duplicate copy of the plug-in unit. Therefore, Semenzato does in fact teach that which applicant contends.

(F) Applicant contends that Young-Davis fails to teach executing the batch file on the first device, whereas claim 13 calls for this limitation.

In response to applicant's arguments, Applicant is attempting to argue piecemeal. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231

USPQ 375 (Fed. Cir. 1986). Therefore this argument is moot because all Davis is used to teach is for the execution of a batch file, whereas the first device is that server execution management framework server where plug-ins execute in Young. Therefore, this argument is moot.